

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1311 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

- =====
1. Whether Reporters of Local Papers may be allowed  
to see the judgements? Yes
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy  
of the judgement?
  4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
2 to 5 No

-----  
AJIMKHAN BABAKHAN PATHAN

Versus

STATE OF GUJARAT

-----  
Appearance:

MR KB ANANDJIWALA for Petitioner  
Mr. AJ Desai, APP for Respondent No. 1

-----  
CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 23/04/98

ORAL JUDGEMENT

Heard learned Mr. K.B. Anandjiwala appearing  
for the petitioner. Rule. Learned APP Mr. A.J. Desai  
waives service of rule on behalf of State. The  
petitioner has claimed to be enlarged on temporary bail  
in respect to offence registered vide Crime Register No.  
I-62-1997 at Karanj Police Station for the offences

punishable under Section 302 and 114 of the IPC. The petitioner was arrested in the month of March, 1998 and since then he is in judicial custody as his previous bail applications were rejected. During the hearing of the present petition, learned advocate appearing for the petitioner has filed Application for additional ground to release the petitioner on temporary bail for the purpose of special treatment at J.J. Hospital, Bombay, in respect to his ailment of Chronic Peucriatis which is also certified by Doctors of Civil Hospital, Ahmedabad.

In the facts and circumstances of the case considering the Chronic ailment of the present petitioner, it would not be unjust or improper if the petitioner is released on temporary bail initially for a period of two months for the purpose of medical treatment at J.J. Hospital, Bombay on appropriate conditions. Learned APP Mr. A.J. Desai, has stated that some stringent conditions should be imposed so that the custody of the petitioner could be ensured at the time of trial.

In the facts and circumstances of the present case, it is ordered that petitioner be released on temporary bail from judicial custody in respect to Crime Register N.I-62/97 registered at Karanj Police Station initially for a period of two months on his executing personal bond of Rs. 5,000/- (Rupees five thousand only) and furnishing one or more sureties for the amount of Rs. 50,000/(Rupees fifty thousand only) to the satisfaction of the trial court and subject to the following conditions:

- (1) The petitioner shall intimate the In-charge of Karanj Police Station his date of leaving Ahmedabad and his address at Bombay;
- (2) The petitioner shall arrange to furnish particulars about his whereabouts in Bombay to the In-charge Police Officer of Karanj Police Station from time to time and shall report to the Karanj Police Station as soon as he returns from Bombay.
- (3) The petitioner shall be at liberty to claim extension of temporary bail on submission of certificate from concerned Doctors.

Rule is made absolute accordingly. No order as to costs. Direct Service is permitted.

-----

p.n.nair